

CITY OF CANTON, TEXAS
ANNEXATION ORDINANCE NO. 2012 - 12

AN ORDINANCE ANNEXING A 1.59-ACRE TRACT SITUATED IN THE J. STOCKWELL SURVEY, A-760, VAN ZANDT COUNTY, TEXAS, (640 CHERRY CREEK ROAD) OWNED BY ROBERT AND NERISSA ERICKSON AND ALL CONTIGUOUS ROADWAY INTO THE CITY OF CANTON, VAN ZANDT COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY OF CANTON SO AS TO INCLUDE SAID PROPERTY AND ALL CONTIGUOUS ROADWAY WITHIN THE CITY LIMITS; GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE CITY OF CANTON

WHEREAS, a petition has been duly signed and acknowledged by each and every person or corporation having an interest in the territory proposed to be annexed; and

WHEREAS, said petition was presented to the governing body and approved such petition not less than five (5) days and not more than thirty (30) days; and

WHEREAS, the tract of land is contiguous to the City and is not more than one-half (1/2) mile in width, and on which fewer than three (3) qualified voters reside; and

WHEREAS, the City has prepared a service plan for said tract which is attached as Exhibit "B" to this ordinance; and

WHEREAS, the City has published notice of hearings on said annexation and held hearings as required by state law; and

WHEREAS, after hearing such petition and the arguments for and against the same, the governing body has voted to grant such petition and to annex said territory into the city;

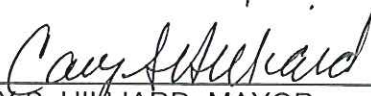
NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANTON, TEXAS:

Section 1. All of that territory owned by Robert and Nerissa Erickson consisting of 1.59 acres situated in the J. Stockwel Survey, A-760, located at 640 Cherry Creek Road, more particularly described in "Exhibit A" attached hereto and made a part hereof, along with all contiguous roadway, is hereby annexed into the City, and the boundary limits of the City of Canton are hereby extended to include said territory within the city limits of the City, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City and shall be bound by the acts and ordinances of said City.

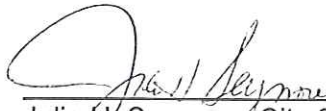
Section 3. That the municipal service plan for the herein annexed territory provided for in Exhibit "B" attached hereto is hereby adopted.

Section 4. That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED by an affirmative vote of the Governing Body of the City of Canton, Texas, this the 16th day of October, 2012.


CARY S. HILLIARD, MAYOR
The City of Canton, Texas

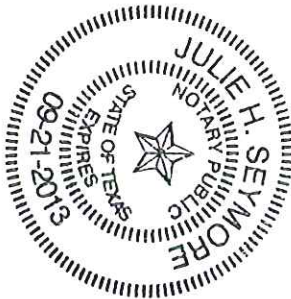
ATTEST:


Julie H. Seymore, City Secretary

THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared CARY S. HILLIARD, MAYOR OF THE CITY OF CANTON, TEXAS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 16th day of October, 2012.




Notary Public, State of Texas

EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the JESSE STOCKWELL SURVEY, A-760, Van Zandt County, Texas, same being part of Lot 4, Block 1 of the CHERRY CREEK RANCHETTES as found recorded under Glide 119B of the Plat Records of Van Zandt County, Texas, and being more fully described as follows:

BEGINNING AT A ½" IRON ROD FOUND FOR THE North corner of said Lot 4, same being the North corner of this;

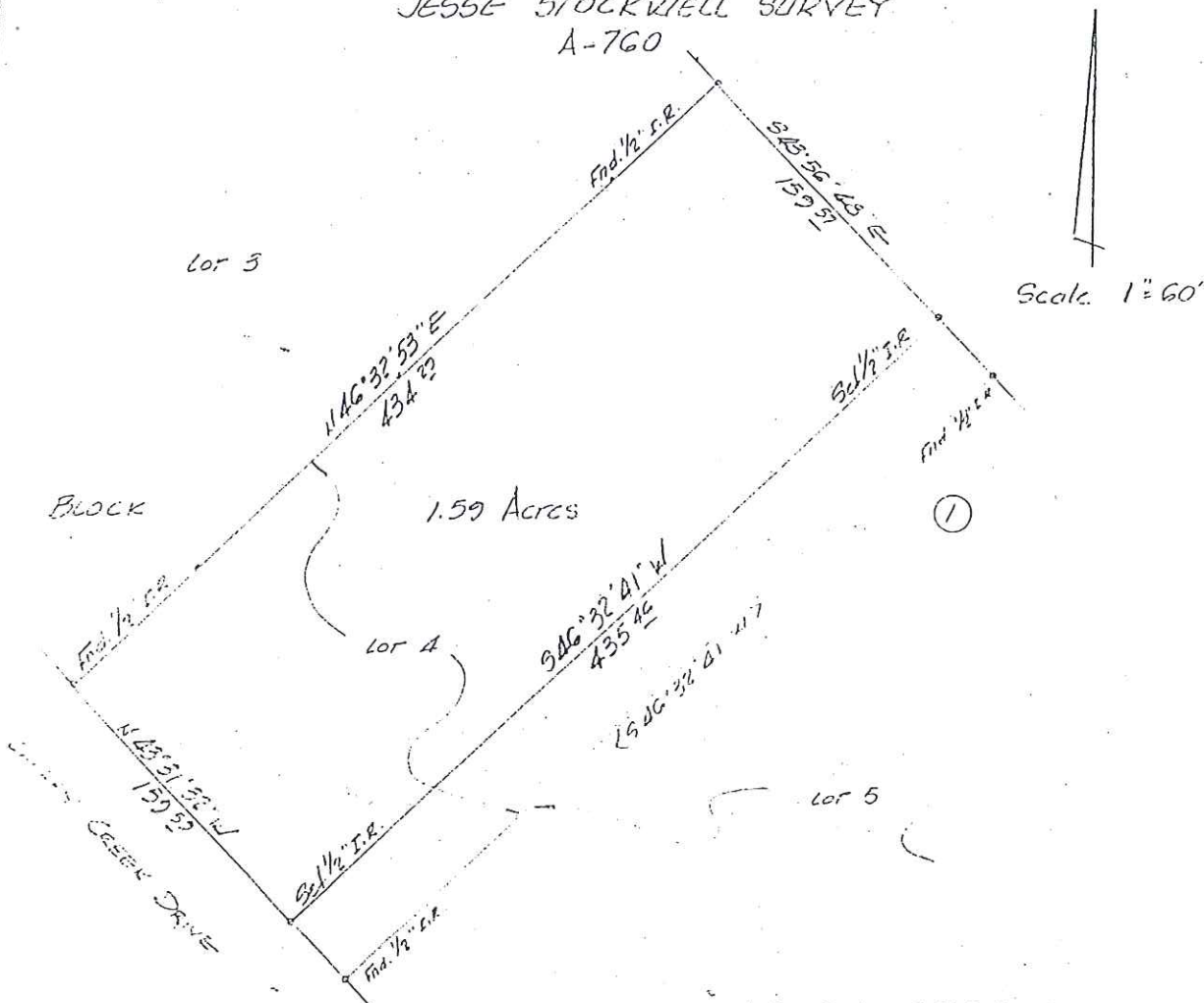
THENCE South 43 deg. 56 min. 48 sec. East 159.57 feet with the Northeast line of said Lot 4 to a ½" iron rod set for the East corner of this;

THENCE South 46 deg. 32 min. 41 sec. West 435.46 feet parallel to the Southeast line of said Lot 4 to a ½" iron rod set on the Southwest line of said Lot 4, and on the Northeast right-of-way line of Cherry Creek Drive for the South corner of this;

THENCE North 43 deg. 32 min. 53 sec. East 434.29 feet with the Northwest line of said Lot 4 to the PLACE OF BEGINNING, containing 1.59 acres of land.

City of Canton
175/178

JESSE STOCKWELL SURVEY A-760



Survey Plat for Delbert Norrell

Plat showing survey of part of
Lot A Block 1 CHERRY CREEK
RANCHERRES as found recorded
in Glide 119-B Plat Records
Van Zandt County, TEXAS.

Note: Easements Not Researched

I, Tony Courtney, R.P.L.S. No. 1911, declare that the
plat shown hereon represents the results of an on
the ground survey made under my direction and
supervision, and this survey complies with the Texas
Board of Professional Land Surveyors Standards effective
September, 1992.

Tony Courtney
TONY COURTNEY
Registered Professional Land Surveyor #1911
November 16, 2000

- Note: Bearings shown hereon were based on the
boundary calls of *Glide 119-B*
of the *Plat Records*. Bearing in < > denotes
the line used for bearing control.
- Note: Reference is made to the Field Notes of survey
made under my seal of even date.
- Note: "According to the Flood Map (F.I.R.M., F.H.B.M.)
Community Panel Number 4810400004,
Effective Date *January 10, 1978*
this property is situated in Zone(s) *C*
- Note: There were no encroachments or protrusions
found except as shown or noted.
- Note: Some record data shown hereon was acquired
or furnished by *Van Zandt County*
Abstract Company.
- Note: USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR BY OTHER PARTIES SHALL BE AT THEIR
OWN RISK AND THE UNDERSIGNED SURVEYOR
IS NOT RESPONSIBLE FOR ANY LOSS RESULTING
THEREFROM.



EXHIBIT "B"

SERVICE PLAN FOR ANNEXED AREA 640 CHERRY CREEK ROAD

DATE OF ANNEXATION ORDINANCE: OCTOBER 16, 2012

ACREAGE ANNEXED: 1.59 ACRES

PROPERTY DESCRIPTION: See Exhibit A attached to the annexation ordinance.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Canton, Texas ("City") at the following levels in accordance with the following schedule:

I. FOR SERVICES EFFECTIVE IMMEDIATELY AFTER DATE OF ANNEXATION

1. FIRE and EMERGENCY MEDICAL SERVICES; CODE ENFORCEMENT SERVICES

Existing Services: Fire protection is currently provided to the annexed area by the South Van Zandt Volunteer Fire Department. Emergency Medical Services are currently provided by Champion EMS. As city codes are not applicable, no code enforcement services are currently provided.

Services Upon Annexation: Fire protection, emergency, and suppression services, and Emergency Medical Services, will be provided to the area upon annexation at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

Upon annexation, the City will provide Code Enforcement Services at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

2. POLICE

Existing Services: Law enforcement services are currently provided by the Van Zandt County Sheriff's Office.

Services Upon Annexation: Upon annexation, the City will provide police protection to the annexed area at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area, including the extension of regular and routine patrols to the area.

3. BUILDING INSPECTION

Existing Services: The City of Canton has limited jurisdiction over new subdivisions, sexually-oriented businesses, Bed & Breakfast establishments, and signs. Other building inspection services are not currently available in the area.

Services Upon Annexation: The City will provide building inspection and enforcement services to the annexed area upon annexation at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City.

4. PLANNING AND ZONING

Existing Services: The City of Canton has limited jurisdiction over new subdivisions, sexually-oriented businesses, Bed & Breakfast establishments, and signs. No other planning and zoning regulation is currently available.

Services Upon Annexation: The City's will regulate development and land use through the administration of the City's zoning and development ordinances to the annexed area on the effective date of the annexation.

5. LIBRARY

Existing Services: Library services are currently provided by the Van Zandt County Library.

Services Upon Annexation: There will be no change in the available library services after annexation.

6. HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Van Zandt County currently has a health department, and enforces generally applicable laws in the area.

Services Upon Annexation: Upon annexation, the City's health ordinances and regulations will be administered and applicable to the annexed area, including animal control services, at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

7. STREETS (INCLUDING STREET LIGHTING)

Existing Services: The street maintenance in the area is currently provided by Van Zandt County. There is no street lighting provided by the county.

Services Upon Annexation: Operation and maintenance of roads and streets, if any, dedicated to (and accepted by) the public or the City or owned by the City will be provided to the annexed area by the City at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area. Road and street lighting will be provided by the applicable utility company providing lighting or electric services in the annexed area pursuant to laws, rules, regulations, and standards of such utility.

8. STORM WATER FACILITIES

Existing Services: No storm water drainage services are currently provided to the area.

Services Upon Annexation: Storm water drainage services, to the extent located within property or facilities owned by or dedicated to (and accepted by) the City, will be provided to the annexed area at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

9. WATER SERVICE

Existing Services: The area is currently in the service area of the Myrtle Springs Water Supply Corporation, but that entity has not extended water service to the property.

Services Upon Annexation: The property owner has received notification from Myrtle Springs Water Supply Corporation releasing the property from its service area and granting permission for the City of Canton to provide water services to it, which is acceptable to the City of Canton. City water service is available at the property and the property owner may connect to the system immediately upon annexation. Operation and maintenance of water facilities in the annexed

area shall be provided in accordance with applicable City codes, ordinances, and departmental policy.

10. WASTEWATER SERVICE

Existing Services: There is no current wastewater service to the area; wastewater treatment is provided by private septic systems.

Proposed Services: The property owner waives his and subsequent owners' rights to the provision of wastewater services to this property until such time as the City of Canton deems it economically feasible to extend wastewater service to the area. Wastewater treatment will continue to be provided by way of private septic systems. Extension of wastewater facilities in the annexed area shall be provided in the future in accordance with that agreement as well as applicable City codes, ordinances, and departmental policy.

11. SOLID WASTE SERVICES

Existing Services: Existing solid waste collection is provided by private waste collection under agreements with residents.

Services Upon Annexation: Solid waste collection provided under exclusive contract with Sanitation Solutions will be provided to the area annexed on the effective date of the annexation. The collection of refuse shall be made in accordance with the usual waste collection scheduling and shall be conducted at a level consistent with current methods and procedures provided to similar areas.

12. OPERATION AND MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: The City is not aware of any parks, playgrounds or swimming pools located within the annexed area.

Services Upon Annexation: The City is not aware of any parks, playgrounds or swimming pools located within the annexed area. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas in a manner and to a degree that is comparable or equal to parks, playgrounds, and swimming pools in other parts of the City with topography, land use, and population density similar to the annexed area.

13. OTHER PUBLICLY OWNED FACILITY, BUILDING, OR SERVICE

Services Upon Annexation: The City is not aware of the existence of any other publicly owned facility, building, or service within the annexed area. In the event any such other publicly owned facility, building, or service is determined to exist, the City will maintain the same in a manner and to a degree that is comparable or equal to other publicly owned facilities, building, or service in other parts of the City with topography, land use, and population density similar to the annexed area.

II. CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION, EMERGENCY MEDICAL SERVICES, AND SOLID WASTE COLLECTION

No capital improvements are necessary at this time to provide services.

2. WATER AND WASTEWATER FACILITIES

No capital improvements are necessary at this time to provide services.

3. ROADS AND STREETS

Maintenance of properly dedicated and accepted roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use, and subdivision of the annexed property and in accordance with the City's ordinances, rules, policies, and procedures. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's ordinances, rules, policies, and procedures.

4. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

No capital improvements are necessary at this time to provide services.

5. OTHER PUBLIC OWNED FACILITIES, BUILDINGS, OR SERVICES

In general, other City functions and services can be provided for the annexed area by the use of existing capital facilities and improvements; additional capital improvements are not necessary to provide City services.

6. CAPITAL IMPROVEMENTS

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary, in accordance with applicable law and policies.

III. SPECIFIC FINDINGS

The City Council of the City of Canton finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed, than were in existence in the proposed area at the time immediately preceding the annexation process. Because of the differing characteristics of topography, land use and population density and notwithstanding the above and foregoing Parts I and II, the service levels which may ultimately be provided in the newly annexed area may differ from services provided other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this Service Plan so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of similar topography, land utilization and population density.

The City reserves the right to amend this Service Plan, subject to any applicable law, rule, or regulation of a governmental authority with proper jurisdiction.

As used in this Service Plan, the provision or maintenance of services or facilities means having the same provided or maintained by any method or means by which the City provides or maintains services to other areas of the City, including causing or allowing private utilities, governmental entities, and other public service organizations to provide the same by contract or agreement, in whole or in part, and may also include separate agreements with associations or similar entities.

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

It is the intent of the City that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code. The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

